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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Kazutaka HARA et al.**

Group Art Unit: **2872**

Application Number: **10/509,700**

Examiner: **Ricky D. Shafer**

Filed: **September 30, 2004**

Confirmation Number: **2160**

For: **POLARIZATION COMPONENT, POLARIZATION LIGHT SOURCE
AND IMAGE DISPLAY APPARATUS USING THE SAME**

Attorney Docket Number: **042726**
Customer Number: **38834**

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

February 12, 2007

Sir:

This paper is submitted in response to the Office Action dated January 27, 2007.

In the Office Action, restriction is required between

- Group (I), claim 2
- Group (II), claims 3-4
- Group (III), claim 5
- Group (IV), claims 11-15
- Group (V), claims 16-17
- Group (VI), claim 18
- Group (VII), claims 19-20

Applicant(s) hereby elect(s) the subject matter of **Group I, claim 2** for prosecution in this application. This election is made with traverse as set forth below.

In the Office Action, it is alleged that the Groups lack the same or corresponding special technical features under PCT rules because each of the Groups "has special technical features not required for the other listed groups" (Office Action at page 3, section 4).

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Applicants acknowledge the indication in the Office Action that claims 1 and 21 will be examined with any of elected Groups I and III-VII.

However, the restriction requirement is respectfully traversed especially as to Groups I and III-VII.

Applicants respectfully submit that, the present application is a US national stage of a PCT application, so the standard of unity of invention applies. The requirement of unity of invention is satisfied when there is a technical relationship among claims involving one or more of the same or corresponding special technical features. The expression "special technical features" means the technical features that define a contribution which each of the claimed inventions makes over the prior art. See 37 CFR § 1.475(a).

Here, in particular, Groups I and III-VII include claims that are dependent on claim 1, so they have in common at least the special technical features of claim 1. In this case, contrary to the assertions in the Office Action, the issue whether a Group also has technical features "not required for the other listed groups" is irrelevant under PCT rules.

In view of the above, it is submitted that the restriction requirement should be withdrawn, to the least as to Groups I and III-VII.

Also, in the Office Action, election is required between the following species:

- 1) retardation layer depicted by claim 11
- 2) retardation layer depicted by claim 12
- 3) retardation layer depicted by claim 13
- 4) retardation layer depicted by claim 14
- 5) retardation layer depicted by claim 15

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Applicant(s) hereby elect(s) the subject matter of the retardation layer depicted by claim 11 for prosecution in this application. This election is made with traverse as set forth below.

In the Office Action, it is alleged that the species lack the same or corresponding special technical features under PCT rules because each of the species “has special technical features mutually exclusive to each species that are not required by any of the other listed species” (Office Action at page 4, last two lines).

As a preliminary, Applicants acknowledge the indication in the Office Action that claim 1 is generic to all species.

Further, the election requirement is respectfully traversed. Since each of claims 11-15 is dependent directly or indirectly on claim 1, each of these claims includes at least the features of claim 1 as common special technical features, so that the issue whether additional, “mutually exclusive to each species” features are also present is irrelevant under PCT rules.

In view of the above, it is submitted that the election requirement should be withdrawn.

It is understood that Applicants’ rights to the filing of a divisional application directed to the non-elected subject matter under 35 U.S.C. §120 and 35 U.S.C. §121 are retained.

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If this paper is not timely filed, Applicant(s) respectfully petition(s) for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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